

have an obligation for inquiry, and an obligation for action which might not be necessarily inferred from the nature of the position they hold. Secondly, as to their knowledge that these balance sheets were fabricated. Now, what the prosecutor has undertaken to prove is,—not that the directors were bound to know the falsity of the statements in the balance sheets, not that they were under obligations to know it, not that they had the means of knowing it, but,—that in point of fact, they did know it. And that is what you must find before you can convict the prisoners on any part of the evidence presented to you. You must be able to affirm, in point of fact—not that they had a duty to do, and they neglected it; not that they had the means of information in their power, and failed to use them, but—that, as a matter of fact, when these balance sheets were issued, they knew that the statements in them were false. Constructive knowledge might be quite sufficient if we were dealing here simply with an action for a civil debt, of a civil reparation;—what a man is bound to know in that case, he is held to have known it. But that is not this case. When a man is charged with crime his crime is guilty knowledge, and nothing else. You must be quite satisfied that not merely it is probable or likely that he knew; but in point of fact, he did know, of the falsification of which he is accused.”

Some very able lawyers seem strangely ignorant that there is a third volume of the Revised Statutes of Ontario, 1897, or if not ignorant of its existence, at all events strangely ignorant of what it contains; nor have the law reporters concerned set them right, for we notice that in a recent number of the Ontario Law Reports 22-23 Car. II. c. 10, is referred to as an operative statute, whereas, of course, this reference should have been to R.S.O. c. 335. In a still later judgment a judgment turns on the effect of 13 Edw. I. c. 34, whereas R.S.O. c. 330, s. 9, the really operative statute, is not even mentioned. We may say for